

### REMARKS

Claims 82, 85-97, 100-111, 113-117, and 127-133 are pending in the application, with claims 82, 97 and 133 being independent. Claims 82 and 97 have been amended, and claims 127-133 have been added. Specifically, claims 82 and 97 have been amended to recite “determining a local day-part appropriate for the geographic location from among at least one of morning, afternoon, primetime, and latenight” (emphasis added). Applicants submit that the amendments to claims 82 and 97 are not believed to change the scope of the claims, which previously recited “day-part”, a term defined in the application as including at least one of the recited morning, afternoon, primetime, and latenight. No new matter has been added.

Applicants wish to thank Examiner Huynh for agreeing to conduct a telephonic interview with applicants’ representatives prior to issuing another action in this case. The telephonic interview will be scheduled through subsequent communications between applicants’ representatives and Examiner Huynh.

Independent claims 82 and 97, and their dependent claims 85-89, 100-104 and 113-115, have been rejected as being anticipated by Boyer (U.S. Patent Application Publication No. 2004/0128686). Independent claims 82 and 97, and their dependent claims 89, 90-96, 87 and 104-111, have also been rejected as being anticipated by Alexander (U.S. Patent No. 6,177,931). Applicants respectfully traverse both of these rejections.

Independent claim 82 is directed to a method of presenting content and recites, among other features, designating a broadcast network from among the two or more broadcast networks based upon the determined local day-part and configuring a content display to feature content from the designated broadcast network over content from other of the broadcast networks. Boyer fails to describe or suggest at least these features of claim 82.

As stated previously, Boyer describes an Internet television program guide system that includes a video component that processes television signals and a multimedia component that processes television program guide data and related multimedia information into a television program guide page. (Boyer at ¶¶ 0010 to 0013). Boyer illustrates an EPG that is able to display programming content in a variety of ways. In particular, a user may select various EPG displays

by selecting from among various options including a time option 210, a channel option 212, a category option 214, and a search option 216, as shown in Fig. 15 of Boyer. (Boyer at ¶ 0101)

User selection of the time option 210 results in display of the time page 218 shown in Fig. 16 of Boyer. The time page 218 presents a list of broadcast networks (e.g., KCBS, KNBC, and KABC) from top to bottom and programs broadcast by these broadcast networks by broadcast time from left to right. The list of broadcast networks displayed in the time page 218 remains the same irrespective of whether the programs broadcast by the broadcast networks are initially displayed by current time or by a period of time selected by the user. (Boyer at ¶ 0102). The user is able to select navigation buttons 230 to view the programs broadcast by the broadcast networks during different periods of time during the day, such as during the "morning," "afternoon," or "late nite." (Boyer at ¶ 0103).

The Examiner asserts that Boyer describes the above-recited features, stating:

designating a content source (designating/sorting/arranging/organizing KCBS then KNBC, then KTLA and so on – figure 16) from among two or more content sources (KCBS, KNBC, KTLA, etc. – figure 16) based upon the determined local day-part (i.e., time from 1:30pm to 3:00pm),  
configuring a content display to feature content from the designated content source over content from other of [sic] content source (displaying content from KCBS over content of KNBC, KTLA, etc.)

See Office Action, page 4. Applicants respectfully disagree. There is no description or suggestion in Boyer that the designating/sorting/arranging/organizing of broadcast networks in the list (e.g., KCBS listed over KNBC, etc.) that is displayed in Figure 16 of Boyer, which the examiner contends meets the recited limitation of designating a content source from among the two or more content sources based on a local day-part, is dependent on time. Rather, Boyer seems to suggest that the designating/sorting/arranging/organizing of the broadcast network list is entirely independent of time. In other words, regardless of what time it is during a given day, the KCBS broadcast network will still be displayed over the KNBC broadcast network, which will still be displayed over the KTLA broadcast network in the list. Thus, the designating/sorting/arranging/organizing of broadcast networks in the list is independent of time and, therefore, not based on time, much less based on a day-part.

Alexander also fails to describe or suggest designating a broadcast network from among the two or more broadcast networks based upon a determined local day-part and configuring a

content display to feature content from the designated broadcast network over content from other of the broadcast networks. As stated previously, Alexander describes an electronic program guide (EPG) having various aspects that are customized based on user profile information of a viewer. Specifically, Alexander indicates that viewer profile information is collected to create a user profile for a viewer. Col. 28, lines 10-21. For example, the viewer profile information may be collected from the viewer or may be collected by recording the interactions of the viewer with the EPG. Col. 28, line 12 to col. 29, line 11. Alexander then describes customizing an EPG based on the collected viewer profile information.

Alexander describes changing the order of channel slots presented in an EPG grid based on viewer profile information so as to present the viewer's favorite channels at the top/beginning of the grid guide in descending order, according to the viewer's profile. Col. 30, lines 53-58. For example, if the viewer profile indicates that the viewer frequently watches Nick at Nite on weekday evenings from 7 pm to 10 pm, then the EPG automatically tunes the television to the appropriate Nick at Nite channel from 7 pm until 10 pm on weekday evenings and formats the grid guide to show the Nick at Nite channel as the first channel in the grid guide from 7pm until 10pm on weekday evenings. Col. 30, lines 61-67.

The Examiner asserts that Alexander describes the above-recited features, stating:

designating a content source from among two or more content sources based upon the determined local day-part (e.g., designating/organizing/arranging Nick and Nite as first channel from among ESPN source, ABC source, etc. based upon the determined local day-part between 7pm and 10pm on weekday evening);

configuring a content display to feature content from the designated content source over content from other of the content sources (e.g., configuring to display Nite and Nike [sic] as first channel over ESPN, ABC, etc. between 7pm to 10pm on weekday evening);

See Office Action, page 12. Applicants respectfully disagree. The Examiner is apparently equating the claimed term "day-part" with any interval of time during the day. The term day-part, as stated in the application specification, is a term having a meaning specific to the TV network and broadcasting industry: "The designation 'latenight' is known in the parlance of the TV network and broadcasting industry as a 'day-part.' Other typical day-parts include morning, afternoon, and primetime." See page 8, lines 4-19 of the application. Attached are a few exemplary definitions of the term day-part taken from various authoritative sources related to the

broadcasting industry on the Internet. (1) “The time *segments* into which a day is divided by radio and television networks and stations for selling advertising time”<sup>1</sup>; (2) “Broadcast media divide the day into several standard time periods, each of which is called a ‘daypart.’ Cost of purchasing advertising time on a vehicle varies by the daypart selected”<sup>2</sup>; (3) “Time periods of the broadcast day – e.g., Daytime, Early Fringe, PrimeTime, etc., for television and Morning Drive, Midday, Afternoon Drive, etc., for radio.”<sup>3</sup> To further illustrate, for example, in a specific implementation described in the application, a broadcast network, such as ABC, CBS, or NBC, may purchase a day-part such that content of that broadcast network is featured over content from other broadcast networks during that day-part. See application at page 10, lines 5-21. Accordingly, a day-part is a specific standard period of time during a day, such as the now-recited morning, afternoon, primetime and/or latenight time periods; it is not simply any interval of time during a day, as characterized by the Examiner.

While Alexander may describe a system that identifies an interval of time during the day that a user watches a given channel and may change the order of a channel list during this interval of time or, alternatively, tune to the channel during this period of time, Alexander does not describe or suggest that the designating/organizing/arranging of the channel list or tuning to the channel is dependent on or based on a day-part. In fact, Alexander’s system is completely silent as to the use of day-parts for any purpose whatsoever.

For at least these reasons, applicants request reconsideration and withdrawal of the rejections of claim 82 and its dependent claims 85-96 and 113-115.

Independent claim 97 relates to a computer program that includes instructions for, among other features, designating a broadcast network from among the two or more broadcast networks based upon the determined local day-part, and configuring a content display to feature content from the designated broadcast network over content from other of the broadcast networks. For at least the reasons discussed above with respect to claim 82, independent claim 97, and its dependent claims 100-111 are patentable over Boyer and Alexander.

---

<sup>1</sup> <http://www.partnerslevit.com/ConferenceRoom/Glossary/glossary.html>

<sup>2</sup> <http://advertising.utexas.edu/research/terms/>

<sup>3</sup> <http://nhsta.gov/people/injury/NewmediaForumWeb/MediaForumPlanner/pages/Glossary.html>

Claims 116 and 117 have been rejected under 35 U.S.C. § 103(a) as being obvious over Boyer in view of Alten (U.S. Patent No. 5,635,978). Applicants respectfully request withdrawal of this rejection.

Claims 116 and 117 depend from independent claim 82, and therefore, through their dependency, incorporate all of the limitations of independent claim 82. Alten fails to remedy the deficiencies of Boyer, as described above with respect to claim 82. In particular, Alten fails to describe or suggest at least (after incorporating the “wherein” clauses) designating a broadcast network from among the two or more broadcast networks based upon the determined local day-part and configuring a content display to feature content from the designated broadcast network over content from other of the broadcast networks. For at least these reasons, claims 116 and 117 are patentable over Boyer and Alten.

New independent claim 133 includes “designating a first broadcast network from among the two or more broadcast networks as corresponding to a first day-part”, “designating a second broadcast network from among the two or more broadcast networks as corresponding to a second day-part, the second broadcast network being different from the first broadcast network and the second day-part being different from the first day-part”, “determining whether the local day-part is a match with the first day-part or with the second day-part”, “configuring a content display to feature content from the first broadcast network over content from other of the broadcast networks conditioned on the local day-part matching the first day-part”, and “configuring a content display to feature content from the second broadcast network over content from other of the broadcast networks conditioned on the local day-part matching the second day-part”. Applicants request allowance of new claim 133 because none of the cited art describes or suggests these features.

Applicants do not acquiesce to the characterizations of the art. For brevity and to advance prosecution, however, Applicants have not addressed all characterizations of the art, but reserve the right to do so in further prosecution of this or a subsequent application.

Applicants submit that all claims are in condition for allowance.

Please apply any charges or credits to deposit account 06-1050.

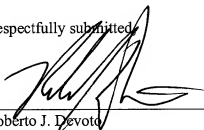
The fee in the amount of \$120 in payment for the Petition for One-Month Extension of Time fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050.

Date: \_\_\_\_\_

9/18/06

Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331

Respectfully submitted,



\_\_\_\_\_  
Roberto J. Devoto  
Reg. No. 55,108